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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,845	06/15/2001	Doug Grumann	10002695-1	8777

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,845

Applicant(s)

GRUMANN, DOUG

Examiner

LeChi Truong

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-3, 5-15, 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumarot et al (US. Patent 6,059,842) in view of Seiffert et al (US. 5,729,472)

As to claim 1, Dumarot teaches enhancing performance (optimizing software, col 3, ln 10-45/ optimizing system performance, col 4, ln 56-67/col 5, ln 1-25/ col 6, ln 7-55/ col 7, ln 1-67/ col 8, ln 8-57), computer system (computer, col 3, ln 10-45), system variable (a set of control parameters A1, A2, col 4, ln 56-67/col 5, ln 1-25/ col 7, ln 1-67/ color 570, col 8, ln 7-60), the performance (dynamic data 460/ M1, M2, col 5, ln 1-46/ col 7, ln 1-67), a number of rules (rules 331, 341, 351, col 7, ln 1-67, rule icons 540, col 8, ln 1-67), relationships(It A1=yes, and S1=200 or M1-90%, col 7, ln 1-67).

Dumarot does not explicit teach the term generating a number of rules. However, Seiffert teaches defining a set of watchdog rules (col 12, ln 30-67).

It would have been obvious to apply the teaching of Seiffert to Dumarot in order to improve performance of the computer system.

As to claim 2, Dumarot teaches at least in part on a performance goal (optimizing software, col 3, ln 10-45/ optimizing system performance, col 4, ln 56-67/col 5, ln 1-25/ col 6, ln 7-55/ col 7, ln 1-67/ col 8, ln 8-57).

As to claim 3, Dumarot teaches part on current values of said system variable (a set of control parameters A1, A2, col 4, ln 56-67/col 5, ln 1-25/ col 7, ln 1-67/ color 570, col 8, ln 7-60), recommend (recommendation 350, col 7, ln 1-67).

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As to claim 5, Dumarot teaches acquired data (values M1, M2.. is obtained, col 5, ln 1-25).

As to claim 6, Dumarot teaches data over time (specific increments of time, col 5, ln 1025), gathering said data (the information gathered, col 7, ln 1-67), logging/ logged data (threshold distance/ (X1, X2), col 9, ln 1-40), relationship (X1, Y1, col 9, ln 1-40).

As to claim 7, Dumarot teaches discrete points in time (different points in time, col 7, ln 1-67).

As to claim 8, Dumarot teaches an event (system behavior, col 5, ln 1-25).

As to claim 9, Dumarot teaches performance of metric data (performance, col 5, ln 1-25).

As to claim 10, Dumarot teaches identifying a number of applications (a particular unique identifier 410 for a software application, col 4, ln 56-67/ col 5, ln 1-25).

As to claim 11, Dumarot teaches variable (parameter, A1, A2.., col 4, ln 56-67) , the performance of said computer (increasing the apparent speed of computer, col 3, ln 9-15).

As to a method of claim 12, see the rejection of claim 1.

As to claim 13, Dumarot teaches performance metrics (performance, col 5, ln 1-25).

As to apparatus of claim 14, refer to the rejection of claim 1. Further, Dumarot program code (performs operations/ program, col 5, ln 1-25).

As to claim 15, Dumarot teaches performance goal (performance, col 5, ln 1-25).

As to apparatus of claim 17, see the rejection of claim 5.

As to claim 18, Dumarot teaches a configuration file (amount of memory, col 5, ln 1-25).

As to claim 19, Dumarot teaches monitoring (monitor program 137, col 5, ln 1-67).

As to apparatus to claim 20, see the rejection of claim 6.

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As to apparatus to claim 21, see the rejection of claim 9.

As to apparatus to claim 22, see the rejection of claim 10.

As to apparatus to claim 23, see the rejection of claim 11.

As to apparatus to claim 24, see the rejection of claim 1.

As to apparatus to claim 25, see the rejection of claim 5.

As to apparatus to claim 26, see the rejection of claim 6.

2. Claims 4, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumarot et al (US. Patent 6,059,842) in view of Seiffert et al (US. 5,729,472) and further in view of Mihata(design rule verifying system).

As to claim 4, Dumarot does not teach iterative. However, Mihata teaches the contradictory design rule are repeated (page 1).

It would have been obvious to apply the teaching of Mihata to Dumarot in order to improve the efficiency of a correcting work.

As to claim 16, Dumarot does not teach iterative. However, Mihata teaches the contradictory design rule are repeated (page 1).

It would have been obvious to apply the teaching of Mihata to Dumarot in order to improve the efficiency of a correcting work.

3. **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

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Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICIAL faxes must be signed and send to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

LeChi Truong
October 28, 2003



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100